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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,467	09/16/2003	Patrick Planché	003863.107263	2187

7590

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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/663,467

Applicant(s)

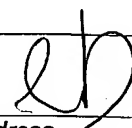
PLANCHE ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/973,592.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to the amendment dated May 24, 2004. Claim 5 was amended. Claims 6 and 7 were added. Claims 5-7 are pending.
2. The rejection of claim 5 under 35 USC 112, first paragraph, set forth in paragraph 3 of the Office action mailed February 18, 2004 is withdrawn due to the amendment.
3. The rejection of claim 5 under 35 USC 112, second paragraph, set forth in paragraph 5 of the Office action mailed February 18, 2004 is withdrawn due to the amendment.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cliffe (GB 2147542). Cliffe teaches printed articles (see abstract). In the Figure 2 embodiment, glow material 11 per the "instant luminescent material" is covered by layer 15 which may comprise a translucent pigment effecting normal coloring per the instant "filter material" (see page 1, lines 114-125). Layer 15 may have any desired appearance or a pattern or message different from the printing of layer 11 per the instant "image" (see page 1, lines 126-129). Although Cliffe does not expressly say that the translucent pigment of layer 15 affecting the color may be towards a white color, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to have selected white color based on the teachings of Cliffe, because Cliffe teaches any color desired may be selected.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cliffe (GB 2147542) in view of Bernhard et al. (US 3,874,890). Cliffe teaches printed articles (see abstract). In the Figure 2 embodiment, glow material 11 (per the instant luminescent material) is covered by layer 15 which may comprise a translucent pigment effecting normal coloring per the instant "filter material" (see page 1, lines 114-125). Layer 15 may have any desired appearance or a pattern or message different from the printing or layer 11 per the instant "image" (see page 1, lines 126-129). Cliffe fails to teach a specific translucent pigment for layer 15. Bernhard et al. (US 3,874,890) teaches titanium dioxide is a translucent pigment (see col. 4, lines 53-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected titanium dioxide as the translucent pigment for layer 15 taught by Cliffe, because Cliffe teaches a translucent pigment is desired for the layer and Bernhard et al. teaches that titanium dioxide is a known translucent pigment.

***Allowable Subject Matter***

7. Claim 5 is allowed. The closest prior art is considered to be Cliffe (GB 2 147 542), discussed herein. Cliffe teaches a glow material 11 overprinted with a translucent pigment containing layer to affect the color of the glow material (see page 1, lines 114-129); however, Cliffe fails to teach a filtering material for scattering light toward a white color comprising air bubbles.

*Response to Arguments*

8. Applicant's arguments with respect to claims 5-7 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.G.

July 27, 2004

BRUCE H. HESS  
PRIMARY EXAMINER